

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BAREIS TECHNOLOGIES, LLC

Plaintiff,

v.

UBISOFT, INC., SONY COMPUTER
ENTERTAINMENT AMERICA, INC.,
ELECTRONIC ARTS, INC., and
DISNEY INTERACTIVE STUDIOS,
INC.,

Defendants.

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CIVIL ACTION NO. 6:09-cv-514

JURY DEMAND

COMPLAINT

Plaintiff Bareis Technologies, LLC (“Bareis Technologies” or “Plaintiff”) files this complaint against Defendants Ubisoft, Inc. (“Ubisoft”), Sony Computer Entertainment America, Inc. (“Sony”), Electronic Arts, Inc. (“EA”), and Disney Interactive Studios, Inc. (“Disney”) (collectively “Defendants”), alleging as follows:

The Parties

1. Bareis Technologies is a corporation organized and existing under the laws of the State of Texas, with its principal place of business at 724 Sunkist Ln, Plano, TX 75025.

2. Upon information and belief, Ubisoft is a corporation organized and existing under the laws of the State of California and is doing business in this judicial district and elsewhere. Ubisoft has its principal offices at 625 Third St., 3rd floor, San Francisco, CA 94107. Ubisoft may be served with process by serving its registered agent, Daniel O’Connell Offner at its registered office at 555 W Fifth St, 46th floor, Los Angeles, CA 90013.

3. Upon information and belief, Sony is a corporation organized and existing under the laws of the State of Delaware and is doing business in this judicial district and elsewhere. Sony has its principal offices at 919 E. Hillside Blvd., Suite 200, Foster City, CA 94404. Sony may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company at its registered office at 701 Brazos St., Suite 1050, Austin, TX 78701.

4. Upon information and belief, EA is a corporation organized and existing under the laws of the State of Delaware and is doing business in this judicial district and elsewhere. EA has its principal offices at 209 Redwood Shores Parkway, Redwood City, CA 94065. EA may be served with process by serving its registered agent, National Corporate Research, Ltd. at its registered office at 800 Brazos St., Suite 400, Austin, TX 78701.

5. Upon information and belief, Disney is a corporation organized and existing under the laws of the State of California and is doing business in this judicial district and elsewhere. Sony has its principal offices at 500 S Buena Vista St., Burbank, CA 91521. Disney may be served with process by serving its registered agent, Marsh L Reed at 500 S Buena Vista St., Burbank, CA 91521.

Jurisdiction and Venue

6. This is an action for infringement of a United States patent. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 *et seq.*, and jurisdiction is properly based on 35 U.S.C. § 271 and 28 U.S.C. § 1338(a).

7. Venue is proper in this district under 28 U.S.C. §§ 1391(b-c) and 1400(b). Upon information and belief, each Defendant named herein transacts or has transacted business in this

judicial district, or committed and/or induced acts of patent infringement in this district. Plaintiff, Bareis Technologies has a principal place of business in this judicial district

Claim for Patent Infringement

8. On April 1, 1997, U.S. Patent No. 5,617,407 (“the ‘407 patent”) was duly and legally issued for an “Optical Disk Having Speech Recognition Templates for Information Access.” By assignment, Bareis Technologies is the owner of the ‘407 patent and has the right to enforce the ‘407 patent and collect damages for all relevant times. The ‘407 patent, in general, relates to optical disks with speech recognition templates used to access information thereon. A copy of the ‘407 patent is attached as Exhibit A.

9. Pursuant to 35 U.S.C. § 282, the ‘407 patent is presumed valid.

10. Ubisoft, on information and belief, manufactures, uses, and sells optical disks with speech recognition templates that infringe at least claim 1 of the ‘407 patent, including but not limited to Tom Clancy’s Rainbow Six: Lockdown, Tom Clancy’s Rainbow Six 3, Tom Clancy’s Rainbow Six 3: Black Arrow, Tom Clancy’s Rainbow Six Vegas, Tom Clancy’s Rainbow Six Vegas 2, Tom Clancy’s Ghost Recon Jungle Storm, Tom Clancy’s Ghost Recon 2 Summit Strike, Tom Clancy’s Ghost Recon 2, and Tom Clancy’s EndWar. By manufacturing, using and/or selling such disks Ubisoft has in the past and continues to infringe at least claim 1 of the ‘407 patent, either literally or under the doctrine of equivalents.

11. Sony, on information and belief, manufactures, uses, and sells optical disks with speech recognition templates that infringe at least claim 1 of the ‘407 patent, including but not limited to, SoCom: U.S. Navy SEALs, SoCom II: U.S. Navy SEALs, SoCom III: U.S. Navy SEALs, SoCom Combined Assault. By manufacturing, using and/or selling such disks Sony has

in the past and continues to infringe at least claim 1 of the '407 patent, either literally or under the doctrine of equivalents.

12. EA, on information and belief, manufactures, uses, and sells optical disks with speech recognition templates that infringe at least claim 1 of the '407 patent, including but not limited to, NASCAR 06 and NASCAR 07. By manufacturing, using and/or selling such disks EA has in the past and continues to infringe at least claim 1 of the '407 patent, either literally or under the doctrine of equivalents.

13. Disney, on information and belief, manufactures, uses, and sells optical disks with speech recognition templates that infringe at least claim 1 of the '407 patent, including but not limited to, Phonics Quest. By manufacturing, using and/or selling such disks Disney has in the past and continues to infringe at least claim 1 of the '407 patent, either literally or under the doctrine of equivalents.

14. Accordingly, the Defendants' acts of infringement of the '407 patent, as alleged above, has injured Plaintiff and thus, Plaintiff is entitled to recover damages adequate to compensate it for Defendants' acts of infringement, which in no event can be less than a reasonable royalty.

Demand for Jury Trial

15. Plaintiff demands a jury trial on all issues triable of right by a jury.

Prayer for Relief

WHEREFORE, Plaintiff prays for entry of judgment:

- A. that Defendants have infringed one or more claims of the '407 patent;
- B. that Defendants account for and pay to Plaintiff all damages caused by the infringement of the '407 patent, which by statute can be no less than a reasonable royalty;

- C. that Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to them by reason of Defendants' infringement of the '407 patent;
- D. that Plaintiff be granted its attorneys' fees in this action;
- E. that costs be awarded to Plaintiff; and
- F. that Plaintiff be granted such other and further relief as the Court may deem just and proper under the current circumstances.

Dated: November 10, 2009

Respectfully submitted,

/s/ Matthew J.M. Prebeg

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on November 10, 2009. Any other counsel of record will be served by first class U.S. mail.

/s/ Matthew J.M. Prebeg
Matthew J.M. Prebeg